

102

PTO Rec'd PTO 24 DEC 2004

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV. 01-2003)		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 17 CFR 1.5) 107519772
INTERNATIONAL APPLICATION NO. PCT/DE2003/001284	INTERNATIONAL FILING DATE 16 April 2003	PRIORITY DATE CLAIMED 27 June 2002
TITLE OF INVENTION SURGICAL INSTRUMENT		
APPLICANT(S) FOR DO/EO/US FUCHS, Ernst		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Int'l Preliminary Examination Report "Express Mail" mailing label number <u>ED 282855551 US</u> Date of Deposit <u>December 24, 2004</u></p>		

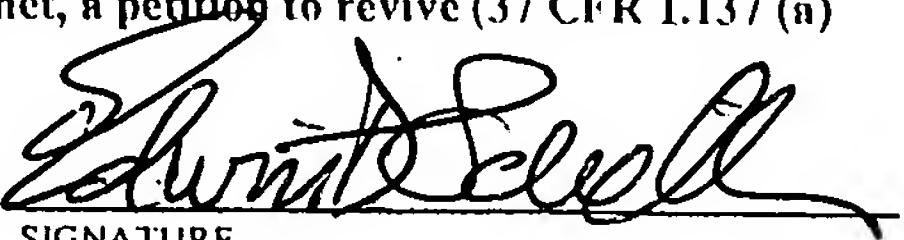
I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail-Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addresseed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Edwin D. Schindler, Reg. No. 31,459

December 24, 2004

Date

15866
122404
U.S. PTO

U.S. APPLICATION NO. 10/519772 INTERNATIONAL APPLICATION NO. PCT/DE2003/001284		ATTORNEY'S DOCKET NUMBER
21. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee - \$300.00 BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Search Fee - \$500.00 Neither international preliminary examination fee (37 CFR 1.482) Exam. Fee nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO - \$200.00 and International Search Report not prepared by the EPO or JPO \$200.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$200.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$200.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$200.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$200.00 ENTER APPROPRIATE BASIC FEE AMOUNT = \$1,000.00		CALCULATIONS PTO USE ONLY
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). CLAIMS NUMBER FILED NUMBER EXTRA RATE \$ Total claims 20 - 20 = -0- x \$18.00 \$ -0- Independent claims 3 - 3 = -0- x \$84.00 \$ -0- MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$280.00 \$ -0- TOTAL OF ABOVE CALCULATIONS = \$1,000.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. SUBTOTAL = \$ 500.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). TOTAL NATIONAL FEE = \$ 500.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ -0- TOTAL FEES ENCLOSED = \$ 500.00		
		Amount to be refunded: \$
		charged: \$
a. <input checked="" type="checkbox"/> A check in the amount of \$ **500.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0450</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO: Edwin D. Schindler Five Hirsch Avenue P. O. Box 966 Coram, New York 11727-0966		
 SIGNATURE Edwin D. Schindler NAME 31,459 REGISTRATION NUMBER		